REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 23, 32, 43 and 44 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 23-29, 31-37, 39, 40, 43-46 (20 claims) are now pending in this application.

Response to Argument

On page 2 of the Office Action, the Examiner states "Applicant's arguments filed November 16, 2007 have been fully considered but they are not persuasive." The Examiner goes on to state that the phrase "local exchange, is not a mobile switching center" which was added to the independent claims 23 and 32 with the previous amendment is not supported in the specification.

In response, Applicant has amended independent claims 23 and 32 by deleting the phrase "not a mobile switching center."

The Examiner also states that "Applicant is required to explain where in the specification has support to the new limitation. Further, Applicant is required to explain why the specification cannot utilize the definition of a "mobile switching center" that defines a "local exchange," and how would the interpretation be incorrect."

In response, Applicant submits several definitions that describe a local exchange and a VLR (visited location register). Such definitions are on the document attached hereto and incorporated herein as if fully set forth. From the definitions, as would be understood by one ordinarily skilled in the art, a local exchange refers to a fixed network whereas as a VLR is a database of a mobile network. A VLR is not a local exchange of a fixed network. A local

exchange is an element of a fixed line network, the PSTN and not a mobile operator's network. Accordingly, as further discussed below, Applicant submits that one ordinarily skilled in the art would not look to Emery, alone or in any proper combination with Akinwale as suggested by the Examiner. Applicant submits that support for the amendments to independent claims 23 and 32 can be found at least on page 2, lines 6-16, page 21, lines 4-10, and page 28, lines 10-13, and Figure 1 of the present specification.

Specification

On page 3 of the Office Action, the Examiner has objected to claims 43 and 44 stating that there is no clear antecedent basis for certain terms in the claims, specifically "detecting connections with more than once passing the connection point in a course of setting up a connection."

In response, Applicant has amended claim 43 which depends from independent claim 23 and Applicant has amended claim 44 which depends from independent claim 32 by utilizing wording from the specification to clarify the subject matter of the claim. Support for the amendments to claims 43 and 44 can be found at least on page 27, lines 20 through page 28, line 3 of the specification.

Accordingly, Applicant respectfully requests that the Examiner withdraw her objection to claims 43 and 44.

Claim Rejections – 35 U.S.C. §112

On page 3 of the Office Action, the Examiner has rejected claims 23-29, 31-37, 39-40 and 43-46 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Examiner states that the phrase "local exchange not a mobile switch center" is not found anywhere in the specification.

In response, as stated above, Applicant has amended independent claims 23 and 32 by deleting the phrase "not a mobile switching center" in each of the independent claims. Accordingly, Applicant submits that the claims are definite and particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant

respectfully requests withdrawal of the rejection of claims 23-29, 31-17, 39-40 and 43-46 under 35 U.S.C. §112, paragraph one.

Applicant notes that the claim amendments described above are intended to clarify the language used in the amended claims, and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicant that the amendments made to the claims in no way impair the ability of the Applicant to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

Claim Rejections – 35 U.S.C. §103

On pages 4-10, the Examiner has rejected claims 23-29, 31-37, 39-40 and 43-46 under 35 U.S.C. §103(a) as being unpatentable over Emery et al (USPN: 5,758,281) hereinafter Emery in view of Akinwale et al (EP 0708570A2) hereinafter Akinwale.

On pages 4-6, paragraph 1, the Examiner made comments with respect to independent claim 23 and independent claim 32.

In her response, the Examiner cites to Emery what the Examiner believes Emery discloses in the present independent claims 23 and 32.

In response, the Applicant submits that the Examiner has mischaracterized or misunderstood what is disclosed and claimed in the present application. Applicant submits that the "method for switching a subscriber station from a first telecommunications network to a second telecommunication network" recited in independent claim 23 and the "method for switching a subscriber station from a first telecommunication network to a second telecommunications network" is recited in independent claim 32 would not have been obvious in view of Emery, alone or in any proper combination with Akinwale under 35 U.S.C. §103(a). Applicant submits that the limitations of independent claim 23 and independent claim 32 which the Examiner believes are disclosed by Emery are in fact not disclosed by Emery since Emery does not disclose or deal with local exchanges and fixed network subscribers. As will be discussed below, Emery deals with a mobile network. Akinwale discloses an operator assistance system for a local operator assistance call and for a

toll operator call. However, <u>Akinwale</u> does not disclose disconnecting electrically the subscriber line of the subscriber station from the first local exchange and connecting electrically the subscriber line of the subscriber station to the second local exchange as required in each of independent claims 23 and 32. <u>Emery</u> alone or in any proper combination with <u>Akinwale</u> does not disclose, teach or suggest that which is disclosed and claimed in the present application. The suggestion to make the combination of <u>Emery</u> and <u>Akinwale</u> have been taken from the Applicant's own specification using hindsight, which is improper.

With regard to independent claim 23, Applicant responds to the Examiner's comments on pages 4-6 of the Office Action as follows:

In <u>Emery</u>, the first telecommunication network is mapped to element 22 in Fig. 2, the first local exchange is mapped to a VLR (visited location register) at 22 of <u>Emery</u>.

> Element 22 is a mobile switching center (cf. <u>Emery</u> col. 11, 45-50), that does not contain a local exchange (i.e. a switching system of the fixed network).

> The VLR is used for registration purposes in a mobile network scenario (cf. <u>Emery</u>, col. 5, 1-60). It is an entity of the mobile network, and is by no way a local exchange.

The second telecommunication network is mapped to <u>Emery</u> element 26 in Fig. 2, the second local exchange is mapped to a VLR (visited location register) at 26.

> But 26 is a mobile switching center (cf. <u>Emery</u> col. 11, 45-50), that does not contain a local exchange (i.e., a switching system of the fixed network).

> The citation <u>Emery</u> col. 15, lines 20-35 is related to mobile communication units, handsets including PCS radio transceivers. But such equipment is out of scope of the subject of the present application, which deals with <u>non-mobile subscriber equipment connected to a local exchange of the fixed network</u>.

> And the VLR is used for registration purposes in a mobile network scenario (cf. <u>Emery</u>, col. 5, 1-60). It is an entity of the mobile network, and is by no way a local exchange.

> (see the Definitions discussed above and attached hereto)

A subscriber is mapped to a cell user according to <u>Emery</u> Col. 4, lines 60-67

> But this citation is completely not relevant. It deals with
> mobile cellular user (CSS) and the IS-41 protocol. A
> subscriber at a local exchange is not referred to.

The connection point is mapped to element 31 in Fig 2 of <u>Emery</u>, which is an STP (Signaling Transfer Point).

> As a signaling entity this connection point is unable to
> interconnect the payload (voice data). Applicant's connection
> point has to interconnect the telecommunication networks with
> respect to signaling and payload. Applicant is routing calls
> between exchanges and networks, not only call signaling. If
> Applicant's subscriber is disconnected from the first network
> and connected to the second network calls (i.e.) signaling and
> payload have to be exchanged for calls for this subscriber
> originating in the first network. Applicant's connection point
> trivially interconnects payload and signaling, the whole call.

For the change between telecommunication networks the Examiner references <u>Emery</u>, col. 4, lines 45-67.

> But this citation deals with mobile radio link communication
> systems, which is completely not relevant.

With respect to Applicant's primary routing information, <u>Emery</u> Col. 5, lines 1-22 are cited.

> But here it is disclosed the principles of mobile
> communications, HLR, VLR, MSC are discussed, which is not
> relevant. Fixed network terminals have no registration
> capabilities needed for the HLR, VLR concept of mobile
> networks. And the fixed network terminals have no need to be
> able to roam.

With respect to the primary routing information <u>Emery</u> Col. 5, lines 23-45 are cited.

> But here again the registration process in the mobile network is
> described. This is not relevant, as Applicant discloses fixed
> network subscriber equipment that does not register at a mobile
> network. It is instead connected to a local exchange via wire.

For the changing of the primary routing information in the second network the Examiner references <u>Emery</u> Col. 5, lines 23-67.

> But this citation again deals with registration and roaming and therefore is not relevant.

For the disconnecting of the subscriber <u>Emery</u>, Col. 5, lines 23-45 is referred to.

> But this deals with roaming. And it clearly is not the disconnecting of Applicant's application, as it is disclosed and claimed in the present application, as being an electrically disconnection, that only can be found in the fixed network, where the subscriber equipment is connected via wire to the network.

For the connection of the subscriber to the second network <u>Emery</u>, Col. 5, lines 23-45 is cited.

> But this addresses again registration and roaming and not the electrically connection disclosed and claimed in the present application.

The Applicant reiterates his comments on the Examiner's arguments to claim 23 as being applicable to claim 32 as if set forth here in full.

The "sharing of routing information without central control" has been deleted according to Applicant's previous (11/16/07) amendment of claim 23. Accordingly, the Examiner's comments on page 6 lines 9-12 of the Office Action are moot and misplaced.

The Examiner acknowledges, that the "electrically connecting/disconnecting the subscriber line" is not disclosed by <u>Emery</u> and presents <u>Akinwale</u> instead. However, in the Examiner's citation of <u>Akinwale</u> (col 6, lines 50-67 and col 7, lines 1-15) it is disclosed that the system function requires an operator assistance system for a local operator assistance call (<u>Akinwale</u> col. 5, line 45) and for a toll operator call (<u>Akinwale</u>, col 7, line 2). But nowhere in <u>Akinwale</u> is it disclosed that the method includes steps of:

> disconnecting electrically the subscriber line of the subscriber station from the first local exchange; and

connecting electrically the subscriber line of the subscriber
station to the second local exchange.

In view of the limitation to operator assistance the <u>Akinwale</u> citation is not relevant.
The present method in either independent claims 23 or 32 does not need operator assistance
systems.

One ordinarily skilled in the art would not be compelled to look to <u>Akinwale</u> to
combine with <u>Emery</u> to obtain what is disclosed and claimed in the present application.

The method recited in independent claim 23 and the method recited in independent
claim 32, considered as a whole, would not have been obvious in view of <u>Emery</u> and/or
<u>Akinwale</u>. The rejection of claim 23 over <u>Emery</u> in view of <u>Akinwale</u> and the rejection of
claim 32 over <u>Emery</u> in view of <u>Akinwale</u> both under 35 U.S.C. §103(a) is improper.
Therefore, claim 23 and claim 32 are patentable over <u>Emery</u> in view of <u>Akinwale</u>.

Dependent claims 24-29, 31, 43 and 45 which depend from independent claim 23 are
also patentable. Dependent claims 33-37, 39-40, 44 and 46 which depend from independent
claim 32 are also patentable. See 35 U.S.C.§112, ¶4.

The Applicant respectfully requests withdrawal of the rejection of claims 23-29, 31-
37, 39-40, 43-46 under 35 U.S.C. §103(a).

Applicant believes that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a
telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be
required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,
to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a
check or credit card payment form being in the wrong amount, unsigned, post-dated,
otherwise improper or informal or even entirely missing, the Commissioner is authorized to
charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: March 7, 2008   By: /James A. Wilke/

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Definitions:

1.) Local Exchange

CO (Central Office)

1.   A local telephone company office that provides a central point for the termination of lines and trunks, and where they can be interconnected, i.e., connections can be exchanged. An integral part of the public switched telephone network (PSTN), a CO traditionally houses one or more voice-optimized circuit switches to interconnect subscriber lines within a local area known as the carrier serving area (CSA) and to connect subscriber local loops to network trunks.A contemporary CO may also house a variety of voice and data switches, multiplexers, concentrators, and so on. Synonymous with *central office exchange* (COE), *Class 5 office, end office,* and *local exchange.* See also CSA and PSTN.

2.   The CO switch, rather than the building that houses it. Synonymous with *Class 5 switch, edge switch, end office,* and *local exchange.*

(Source: http://www.yourdictionary.com/co)

A more detailed definition of Local Exchange can be found in:
Lillian Goleniewski:

Telecommunications Essentials: The Complete Global Source for Communications Fundamentals, Data Networking and the Internet, and Next-Generation Networks
Published Dec 26, 2001 by Addison Wesley Professional. Chapter 5, The PSTN Architecture, pages 121-123.

2.) VLR

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Home Location Register (HLR)

What is a Home Location Register (HLR)?

A HLR is a database of user (subscriber) information, i.e., customer profiles, used in mobile (cellular) networks. It is a key component of mobile networks such as GSM, TDMA, and CDMA networks. A HLR contains user information such as account information, account status, user preferences, features subscribed to by the user, user's current location, etc. The data stored in HLRs for the different types of networks is similar but does differ in some details.

HLRs are used by the Mobile Switching Centers (MSCs) to originate and deliver arriving mobile calls.

What is a Visiting Location Register (VLR)?

A VLR is a database, similar to a HLR, which is used by the mobile network to temporarily hold profiles of roaming users (users outside their home area). This VLR data is based on the user information retrieved from a HLR. MSCs use a VLR to handle roaming users.

How are the HLR and VLR used?

Each mobile network has its own HLRs and VLRs. When a MSC detects a mobile user's presence in the area covered by its network, it first checks a database to determine if the user is in his/her home area or is roaming, i.e., the user is a visitor.

o User in Home Area: HLR has the necessary information for initiating, terminating, or receiving a call.

o User is Roaming: VLR contacts the user's HLR to get the necessary information to set up a temporary user profile.

The user's location is recorded in the HLR, and in case the user roaming, it is also recorded in the VLR.

Suppose that the user wants to make a call:

o User in Home Area: MSC contacts the HLR prior to setting up the call.

o User is Roaming: MSC contacts the VLR prior to setting up the call.

Suppose that there is a call for the user (call goes to the home MSC):

o User in Home Area: Home MSC delivers the call immediately.

o User is Roaming: Home MSC contacts the VLR to determine the appropriate switch in the roaming area to handle the arriving call and then transfers the call to the roaming area MSC.

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What are Some Issues with HLRs?

o Performance, especially fast lookups.

o Ability to handle different types of networks, including 3G networks.

o Capability/data to support user authentication.

o Support for data backups, fault tolerance, and reliability.

o Scalability.

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A more detailed definition of VLR can be found in

Michel Daoud Yacoub:

Wireless Technology: Protocols, Standards and Techniques

CRC Press 2002, Chapter 4.3.3 (Network and Switching Subsystems), pages 129-130

➔ **The definitions above show, that**

1.) A VLR is a data base of the mobile network. It is definitely not a Local Exchange of the fixed network. A local exchange is an element of the fixed line network, the PSTN and not a mobile operator's network.

2.) A subscriber at a Local Exchange is definitely not a cell phone.